

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of the State of California,  
Department of Transportation, for an order  
authorizing the Department to:  
Widen the northbound structure of the West  
Van Nuys Overhead Bridge No. 53-1362  
(PUC No. BY-456.80-A) over the tracks of the  
Los Angeles County Metropolitan  
Transportation Authority, County of Los  
Angeles.

Application 01-12-037  
(Filed December 24, 2001)

**O P I N I O N****Summary**

State of California, Department of Transportation (Caltrans) requests authority to widen the northbound grade-separated highway-rail crossing (crossing) of the West Van Nuys Overhead Bridge, California Public Utilities Commission (CPUC) Crossing No. BY-456.80-A, of State Route (SR) 405 (San Diego Freeway) over the tracks of the Los Angeles County Metropolitan Transportation Authority (LACMTA), in the City of Los Angeles, Los Angeles County.

**Discussion**

Caltrans proposes to widen the existing northbound crossing of the West Van Nuys Overhead Bridge of SR-405, which crosses over the LACMTA track and right-of-way, to accommodate a new sound wall in the northbound direction of SR-405. The addition of a sound wall will benefit the public by reducing noise and improving safety. The LACMTA track currently is non-operational. The

proposed project involves widening of the existing northbound crossing by approximately 3.3 meters (10.8 feet), without affecting horizontal and vertical clearances. Caltrans will not perform work on the southbound crossing of SR-405 and outside of its right-of-way.

Caltrans is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), Public Resources Code Section 21000 et seq. On June 11, 1999, Caltrans approved a Categorical Exemption/Programmatic Categorical Exclusion, which finds that the project is categorically exempt under both CEQA and National Environmental Policy Act guidelines. Attached to Appendix A of the order is a copy of the Categorical Exemption. The Categorical Exemption found that “This project does not fall within an exempt class but it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment” as specified in CEQA Guideline Section 15061(b)(3).

The Commission is a responsible agency for this project under CEQA. CEQA requires that the Commission consider that portion of the environmental consequences of a project within its area of expertise subject to its discretionary approval. In particular, to comply with CEQA, a responsible agency must consider the lead agency’s Environmental Impact Report or Negative Declaration prior to acting upon or approving the project (CEQA Guideline Section 15050(b)). CEQA Guideline Section 15096 contains the specific activities that a responsible agency must conduct.

The Commission has reviewed and considered the lead agency’s Categorical Exemption/Programmatic Categorical Exclusion determination. We are not aware of any information that would suggest that Caltrans exemption and exclusion classifications were inappropriate in this instance. We find that

Caltrans reasonably concluded, pursuant to CEQA Guideline Section 15061(b)(3), that the proposed widening project of the northbound crossing of the West Van Nuys Overhead Bridge of SR-405 will not have a significant effect on the environment under CEQA. Accordingly, we will adopt Caltrans' findings for purposes of our approval.

The Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section (RCES) has inspected the site of the proposed widening project of the northbound crossing of the West Van Nuys Overhead Bridge of SR-405. After reviewing the need for and the safety of the proposed widened northbound crossing of the West Van Nuys Overhead Bridge of SR-405, RCES recommends that the Commission grant Caltrans' request.

The application is in compliance under the Commission's filing requirements, including Rule 39 of Rules of Practice and Procedure, which relates to the widening or relocation of an existing crossing. Shown in Appendix B attached to the order are a site map and detailed drawings of the proposed widened northbound crossing of West Van Nuys Overhead Bridge of SR-405.

In Resolution ALJ 176-3079, dated January 9, 2002, and published in the Commission Daily Calendar on January 10, 2002, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. Since no protests were filed and no hearings were held, this preliminary determination remains accurate. Given these developments, it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3079.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), we waive the otherwise applicable 30-day period for public review and comment.

**Assignment of Proceeding**

Richard Clark is the assigned Examiner in this proceeding.

**Findings of Fact**

1. The Commission published Notice of the application in the Commission Daily Calendar on January 2, 2002. There are no unresolved matters or protests; a public hearing is not necessary.

2. Caltrans requests authority, under Public Utilities Code Sections 1201-1205, to widen the existing northbound crossing of the West Van Nuys Bridge of SR-405 over the tracks of LACMTA in the City of Los Angeles, Los Angeles County.

3. The proposed widening of the existing northbound crossing of the West Van Nuys Overhead Bridge of SR-405 is necessary to accommodate a new sound wall in the northbound direction of SR-405. The sound wall will benefit the public by reducing noise and improving safety.

4. Public convenience, necessity, and safety require the widening of the existing northbound crossing of the West Van Nuys Overhead Bridge of SR-405.

5. Caltrans is the lead agency for this project under CEQA, as amended.

6. Caltrans approved on June 11, 1999, a Categorical Exemption/Programmatic Categorical Exclusion for this project.

7. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's Categorical Exemption/Programmatic Categorical Exclusion.

**Conclusions of Law**

1. We believe Caltrans reasonably concluded, pursuant to CEQA Guideline Section 15061(b)(3), that the project will not have a significant effect on the

environment under CEQA and we adopt Caltrans' Categorical Exemption/ Programmatic Categorical Exclusion for purposes of our approval.

2. The Commission grants the application as set forth in the following order.

## **O R D E R**

### **IT IS ORDERED** that:

1. State of California, Department of Transportation (Caltrans) is authorized to widen the northbound grade-separated highway-rail crossing of the West Van Nuys Overhead Bridge of State Route 405 over the tracks of the Los Angeles County Metropolitan Transportation Authority (LACMTA) in the City of Los Angeles, Los Angeles County, at the location and substantially as shown by the plans attached to the Application and Appendix B of this order, identified as CPUC Crossing No. BY-456.80-A.

2. Clearances shall conform to GO 26-D.

3. Walkways shall conform to GO 118. Caltrans and LACMTA shall maintain walkways adjacent to any trackage subject to rail operations free of obstructions and shall promptly restore walkways to their original condition in the event of damage during construction.

4. Construction and maintenance costs shall be borne in accordance with an agreement that has been entered into between Caltrans and LACMTA (parties). Caltrans shall file a copy of the agreement with the Rail Crossings Engineering Section (RCES) prior to construction. Should the parties fail to agree, the Commission shall apportion the costs of construction and maintenance by further order.

5. Within 30 days after completion of the work under this order, LACMTA shall notify RCES in writing, by submitting a completed standard Commission

Form G (Report of Changes at Highway Grade Crossings and Separations), of the completion of the authorized work.

6. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. The Commission may revoke or modify authorization if public convenience, necessity or safety so require.

7. The Commission grants the application as set forth above.

8. Application 01-12-037 is closed.

This order becomes effective 30 days from today.

Dated \_\_\_\_\_, at San Francisco, California.

# APPENDIX A

## ENVIRONMENTAL DOCUMENT

CATEGORICAL EXEMPTION  
CATEGORICAL EXCLUSION/PROGRAMMATIC CATEGORICAL EXCLUSION  
DETERMINATION FORM

07-LA-405 \_\_\_\_\_ 41.0/42.4 \_\_\_\_\_ 053571 \_\_\_\_\_ CE#9905015 \_\_\_\_\_  
Dist.-Co.-Rte. (or Local Agency) P.M. E.A. (State project) Proj. No. (Local project)  
(Fed. Prog. Prefix Proj. No., Agr. No.)

**PROJECT DESCRIPTION:** (Briefly describe project, purpose, location, limits, right-of-way requirements, and activities involved.)

The project proposes to construct a noise barrier along the San Diego Freeway between 0.3 miles south of Victory Boulevard and Sherman Way in the San Fernando Valley area of the City of Los Angeles. All work will be conducted within the state-owned right-of-way. This project will not impact any cultural or biological resources.

CEQA COMPLIANCE

LOCAL ASSISTANCE PROJECTS: Record of CEQA compliance is attached. ( )

## STATE PROJECTS:

**Categorical Exemption (See 14 CCR 15300 et seq.)**

- If this project falls within exempt class 3, 4, 5, 6 or 11, it does not impact an environmental resource of hazardous or critical concern where designated, precisely mapped and officially adopted pursuant to law.
- There will not be a significant cumulative effect by this project and successive projects of the same type in the same place, over time.
- There is not a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances.
- This project does not damage a scenic resource within an officially designated state scenic highway.
- This project is not located on a site included on any list compiled pursuant to Govt. Code § 65962.5 ("Cortese List").
- This project does not cause a substantial adverse change in the significance of a historical resource.

CALTRANS CEQA DETERMINATION (for State Projects only)

( ) Exempt by Statute (PRC 21080)

Based on an examination of this proposal, supporting information, and the above statements, the project is:

(4) Categorically Exempt Class 1 of General Rule exemption (This project does not fall within an exempt class, but it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment [CCR 15061(b)(3)])

Clayton Giovan      6-10-99      T. Duval-Snyder      6-11-99  
 Signature: Environmental Office Chief      Date      Signature: Project Manager      Date

NEPA COMPLIANCE (23 CFR 771.117)

CATEGORICAL EXCLUSION

- This project does not have a significant impact on the environment as defined by the NEPA.
- This project does not involve substantial controversy on environmental grounds.
- This project does not involve significant impacts on properties protected by Section 4(f) of the DOT Act or Section 106 of the National Historic Preservation Act.
- In nonattainment or maintenance areas for Federal air quality standards: this project comes from a currently conforming plan and Transportation Improvement Program.
- This project is consistent with all Federal, State, & local laws, requirements or administrative determinations relating to the environmental aspects of this action.

## PROGRAMMATIC CATEGORICAL EXCLUSION

( ) Based on the evaluation of this project and supporting documentation in the project files, all the conditions of the September 7, 1990 Programmatic Categorical Exclusion have been met.

## CALTRANS NEPA DETERMINATION

Based on an examination of this proposal, supporting information, and the above statements, it is determined that the project is a:

( ) Categorical Exclusion

(4) Programmatic Categorical Exclusion

Signature: Clayton Goran Date: 6-10-99 Signature: V. MUNDSTADT Date: 6-11-99  
 Signature: Environmental Office Chief (for all State & Local CEs) Date: (PM: for all State CEs / DLAE: for Local Asst.PCES)

## FHWA DETERMINATION (if applicable)

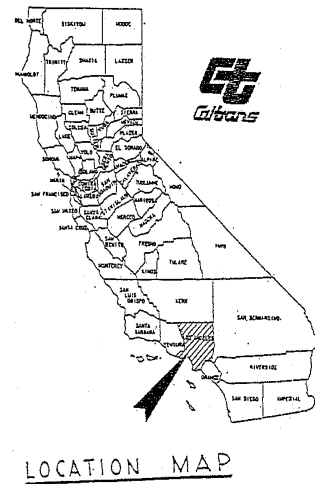
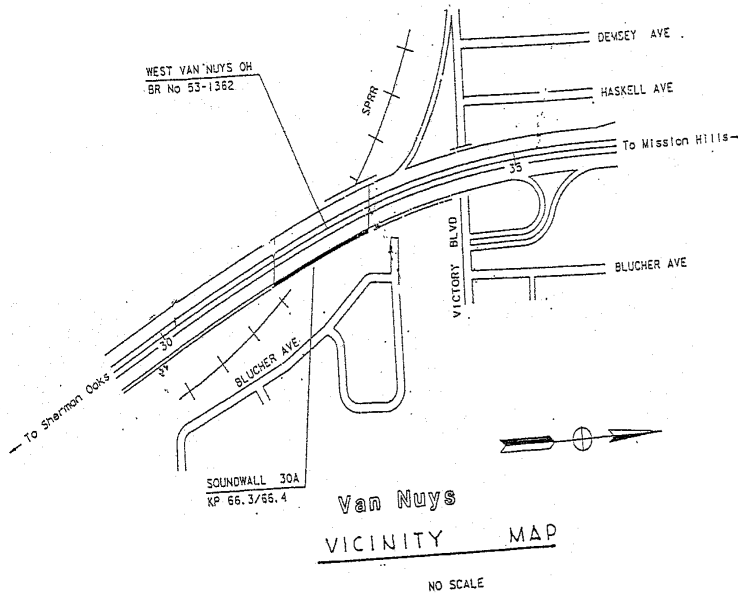
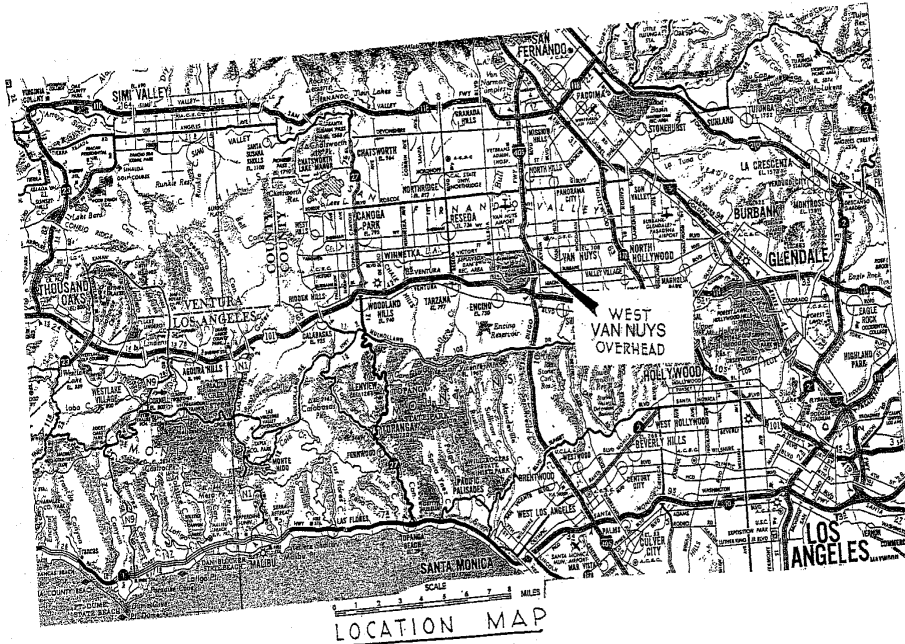
Based on the evaluation of this project and the statements above, it is determined that the project meets the criteria of and is properly classified as a Categorical Exclusion.

Signature: N/A FHWA Transportation Engineer Date \_\_\_\_\_

- [ ] Additional information attached or referenced, as appropriate (e.g. Mitigation commitments for NEPA only ; Air Quality studies and documentation of exemption from regional conformity or use of CO Protocol; §106 commitments; §4(f) or Programmatic §4(f); date of COE nationwide permit; § 7 species survey results; Wetlands Finding; Floodplain Finding; additional studies; design conditions; Local Agency NOE.)

Rec 10-30-01

# APPENDIX B PLANS



WEST VAN NUYS OVERHEAD  
WIDENING



